1989 · ANNUAL · REPORT

A Summary of 1988 Activities

JUDICIAL · COUNCIL OF · CALIFORNIA

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LETTER OF TRANSMITTAL

TO THE HONORABLE GEORGE DEUKMEJIAN,
Governor of the State of California,
and Members of the Legislature:

The 1989 Judicial Council Report is presented pursuant to the provisions of section 6 of article VI of the California Constitution.

January 1, 1989

Hon. Malcolm M. Lucas,
Chairperson

Hon. David N. Eagleson
Hon. Mildred L. Lillie
Hon. Robert K. Puglia
Hon. Donald B. King
Hon. Cecily Bond
Hon. Richard P. Byrne
Hon. Henry Ramsey, Jr.
Hon. Ricardo A. Torres
Hon. Roy L. Wonder
Hon. Susan P. Finlay

Hon. Robert D. Mackey
Hon. Cerena Wong
Hon. Robert A. Barclay
Hon. Jane A. York
Hon. Bill Lockyer
Hon. Elihu M. Harris
Mr. David M. Heilbron
Mr. Peter J. Hinton
Mr. Kenneth W. Larson
Mr. Don W. Martens

Mr. William E. Davis,
Secretary

JUDICIAL COUNCIL PRIORITIES

The Judicial Council of California has reaffirmed its priorities for 1989 to guide the council's actions in dealing with key issues affecting the state court system. The council provides policy direction to the courts, the Governor and the Legislature concerning court practice and procedure.

Priorities approved by the Judicial Council in June of 1988 and adopted by each of the council's standing committees appear below.

Court Management Committee

- ☐ Seek to reduce delay in the trial courts
- ☐ Implement state funding of the trial courts
- ☐ Improve the methods used to prepare weighted caseload studies and judgeship needs reports
- ☐ Increase the use of automation in the trial courts
- ☐ Provide increased training and technical assistance to judges and court staffs on reducing delay and implementing the Trial Court Delay Reduction Act

Appellate Court Committee

- ☐ Reduce delay on appeal
- ☐ Continue the "appellate automation project"
- ☐ Review the standards for computing the need for judges in the Courts of Appeal
- ☐ Review the organization and staffing of the Courts of Appeal
- ☐ Review procedures in cases involving the welfare of minors
- ☐ Review and reorganize the rules on appeal
- ☐ Develop a standard information sheet concerning appeals, and forms and rules to facilitate the appointment of counsel on appeal in criminal cases

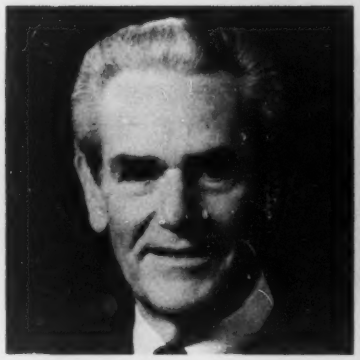
Superior Court Committee

- ☐ Study all local rules, beginning with family law and proceeding to other areas of practice with the goal of eliminating unnecessary variations in local practice and procedure
- ☐ Review family law procedures through the Family Law Advisory Committee
- ☐ Study determinate sentencing procedures and try to find ways to simplify the technical aspects
- ☐ Study the need to create a special court for family law, juvenile law, and guardianship proceedings
- ☐ Study the use of alternative dispute resolution and its enforceability
- ☐ Review calendar management procedures
- ☐ Study the use of private judges and the effect on the court system
- ☐ Study ways to improve court record production, including use of electronic reporting equipment
- ☐ Study issues related to mental health proceedings, including proceedings relating to children, to determine whether there is a need for greater coordination between the various courts hearing the matters, and whether the Judicial Council should take further action, including the appointment of an advisory committee
- ☐ Study juvenile law issues

Municipal and Justice Court Committee

- ☐ Formulate a plan to implement state funding of the trial courts
- ☐ Reevaluate the policy of justice court consolidation and study the role of assigned justice court judges
- ☐ Review the council's role in traffic and small claims courts and develop methods to streamline procedures and make those courts more responsive to the public
- ☐ Study the use of commissioners, referees, and temporary judges and recommend ways to improve their training
- ☐ Explore methods to expand programs for training nonjudge personnel in municipal and justice courts
- ☐ Study the application of the American Bar Association standards on trial delay reduction to the municipal and justice courts

LETTER FROM THE CHIEF JUSTICE



The past year has been a time of substantial achievement in a variety of arenas. I am pleased to be able to report important progress thus far and the promise of worthwhile and vital changes in the years ahead. The efforts and achievements over the past year reflect the commitment of all those in the judicial branch to ensure that California continues to excel in its provision of the finest legal and judicial services to all those who appear before its courts.

This past year saw significant improvement in reducing case processing times in California's superior courts. Implementation of the first stages of the Trial Court Delay Reduction Act of 1986 has already shown great promise for alleviating case inventories in our courts.

Preliminary statistics for 1988, the first year of a three-year pilot project testing time standards, have been encouraging. They indicate that the nine pilot courts have succeeded in accelerating case-processing time for civil program cases. An additional nine superior courts voluntarily adopted delay reduction programs in 1988. At the close of 1988, volunteer delay reduction programs were also in progress in the First District Court of Appeal in San Francisco and one municipal court. Several other courts have expressed an interest in implementing similar programs during 1989.

Throughout the year, the Judicial Council has worked actively to assist delay reduction courts with instructional workshops, consulting services, statistical evaluation and monitoring. Assisting the courts in these areas will remain a major council goal during 1989.

Another key development during 1988 was the establishment of a Bench/Bar Consortium on Trial Court Delay Reduction. Its roster includes State Bar members and the judges and court staff involved in delay reduction programs throughout the state. They will be working together to assure that the concerns of all participants — attorneys, judges and litigants — are considered and addressed.

During 1988, funds were appropriated for the State Trial Court Funding Act. The goal of the new funding system is to ensure adequate monies for state trial courts. For the first time, the state, rather than the counties, will assume primary responsibility for trial court funding. The funding provisions, which took effect January 1, 1989, give counties an opportunity to elect to receive a net block grant from the state for each judgeship. The Judicial Council has long been a supporter of this important legislation, first conceived by former Chief Justice Phil Gibson more than 20 years ago.

Delay reduction and adequate trial court funding have been and continue to be in the lead among Judicial Council priorities. The priorities of each of the council's four standing committees are reported in Chapters 1 through 4.

As Chairperson of the Judicial Council, I appointed members to several new advisory committees during 1988. These committees were established to study various areas of court administration identified as priorities by the council. Among the subjects addressed are family law, juvenile court law, rural court issues, voir dire and telephone appearance procedures. The advisory committees have made significant contributions to the administration of justice. A full report of their activities appears in Chapter 6.

Finally, I would like to commend and thank all of the state's judges for their dedication and hard work in effectively dealing with the challenges of increasing caseloads. Without their assistance, the judicial system of our state could not maintain its high quality or make the progress that it has over the past year. Their commitment to excellence provides the foundation for judicial achievement in 1989 and in the years ahead.

Sincerely,

Malcolm M. Lucas

Chief Justice of California
Chairperson of the Judicial Council of California

JUDICIAL COUNCIL OF CALIFORNIA

The Judicial Council of California is required by the Constitution to survey the condition of business in state courts and to report and make appropriate recommendations to the Governor and the Legislature. (Cal. Const., art. VI, § 6.)

The two-volume *1989 Judicial Council Annual Report* provides summaries of the activities of the Judicial Council and its staff during 1988.

Volume I is the council's report to the 1989-90 Regular Session of the Legislature.

Volume II is a summary of activities in the Administrative Office of the Courts, the staff agency serving the council. It also includes detailed statistical data on the volume of business in all courts for the fiscal year ending June 30, 1988.

The 1989 *Annual Report* was produced under the general editorial supervision of Ms. Lynn Holton, Public Information Officer, and Ms. Ellen McCarthy, Annual Report Editor, both of the Administrative Office of the Courts.

Constitutional Provisions for the Judicial Council

The Judicial Council was originally provided for in section 1(a) of article VI of the State Constitution adopted November 2, 1926. This section was amended November 8, 1960. On November 8, 1966, a revised article VI was adopted and the provisions of former section 1(a) were amended and renumbered as section 6, and further revised November 5, 1974, to read:

Sec. 6. The Judicial Council consists of the Chief Justice and one other judge of the Supreme Court, 3 judges of courts of appeal, 5 judges of superior courts, 3 judges of municipal courts, and 2 judges of justice courts, each appointed by the Chief Justice for a 2-year term; 4 members of the State Bar appointed by its governing body for 2-year terms; and one member of each house of the Legislature appointed as provided by the house.

Council membership terminates if a member ceases to hold the position that qualified the member for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.

The council may appoint an Administrative Director of the Courts, who serves at its pleasure and performs functions delegated by the council or Chief Justice, other than adopting rules of court administration, practice and procedure.

To improve the administration of justice, the council shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and Legislature, adopt rules for court administration, practice and procedure, not inconsistent with statute, and perform other functions prescribed by statute.

The Chief Justice shall seek to expedite judicial business and to equalize the work of judges. The Chief Justice may provide for the assignment of any judge to another court but only with the judge's consent if the court is of lower jurisdiction. A retired judge who consents may be assigned to any court.

Judges shall report to the Judicial Council as the Chief Justice directs concerning the condition of judicial business in their courts. They shall cooperate with the council and hold court as assigned.

Other constitutional provisions dealing with the Judicial Council or the Chief Justice are found in article VI, sections 15 and 18(f). There are also a number of statutory provisions referring to the Judicial Council.

JUDICIAL COUNCIL MEMBERS[1]

HON. MALCOLM M. LUCAS
Chief Justice of California
Chairperson of the Judicial Council

HON. DAVID N. EAGLESON
Associate Justice, Supreme Court

HON. MILDRED L. LILLIE
Presiding Justice, Court of Appeal,
Second Appellate District,
Division Seven

HON. ROBERT K. PUGLIA
Presiding Justice, Court of Appeal,
Third Appellate District

HON. DONALD B. KING
Associate Justice, Court of Appeal,
First Appellate District, Division Five

HON. CECILY BOND[2]
Presiding Judge, Superior Court,
Sacramento County

HON. RICHARD P. BYRNE[3]
Presiding Judge, Superior Court,
Los Angeles County

HON. HENRY RAMSEY, JR.[4]
Judge, Superior Court,
Alameda County

HON. RICARDO A. TORRES
Judge, Superior Court,
Los Angeles County

HON. ROY L. WONDER[5]
Judge, Superior Court,
City and County of San Francisco

HON. SUSAN P. FINLAY[6]
Judge, Municipal Court,
South Bay Municipal Court District

HON. ROBERT D. MACKEY
Judge, Municipal Court,
Compton Municipal Court District

HON. CERENA WONG
Judge, Municipal Court,
Sonoma County Municipal Court
District

HON. ROBERT A. BARCLAY
Judge, Justice Court,
Modoc Justice Court District

HON. JANE A. YORK
Judge, Justice Court,
Sanger Justice Court District

HON. BILL LOCKYER[7]
Senator, 10th District,
Alameda

HON. ELIHU M. HARRIS[8]
Assemblyman, 13th District,
Oakland

MR. DAVID M. HEILBRON[9]
Attorney at Law
San Francisco

MR. PETER J. HINTON[10]
Attorney at Law
Walnut Creek

MR. KENNETH W. LARSON[9]
Attorney at Law
San Pablo

MR. DON W. MARTENS[10]
Attorney at Law
Newport Beach

MR. WILLIAM E. DAVIS
Administrative Director of the Courts
and Secretary of the Judicial Council

1 Except as otherwise indicated, members were appointed by the Chief Justice on March 19, 1987, for two-year terms expiring March 18, 1989.

2 Appointed by the Chief Justice on October 5, 1988, vice Hon. Jack R. Levitt.

3 Appointed by the Chief Justice on April 12, 1988, vice Hon. Jack E. Goertzen.

4 Appointed by the Chief Justice on October 5, 1988, vice Hon. Fern M. Smith.

5 Appointed by the Chief Justice on October 5, 1988, vice Hon. William D. Stein.

6 Appointed by the Chief Justice on October 5, 1988, vice Hon. Lourdes Gillespie Baird.

7 Appointed by the Senate Rules Committee pursuant to article VI, section 6 of the Constitution and Senate Rule 13 of the Legislature.

8 Appointed by the Speaker of the Assembly pursuant to article VI, section 6 of the Constitution and subdivision (L) of Assembly Rule 26.

9 Appointed by the State Bar Board of Governors for a two-year term expiring January 31, 1989.

10 Appointed by the State Bar Board of Governors for a two-year term expiring January 31, 1990.

JUDICIAL COUNCIL COMMITTEES[1]

Executive Committee[2]
Hon. Malcolm M. Lucas, Chairperson
Hon. David N. Eagleson, Vice-Chairperson
Hon. Mildred L. Lillie
Hon. Richard P. Byrne
Hon. Roy L. Wonder
Hon. Susan P. Finlay
Mr. David M. Heilbron
Hon. V. Gene McDonald[3]

Appellate Court Committee[2]
Hon. David N. Eagleson, Chairperson
Hon. Donald B. King
Hon. Mildred L. Lillie
Hon. Robert K. Puglia
Hon. Richard P. Byrne
Hon. Bill Lockyer
Mr. David M. Heilbron
Mr. Kenneth W. Larson
Mr. Don W. Martens
Mr. Bernard E. Witkin[3]
Mr. Kevin A. Swanson[3]

Court Management Committee[2]
Hon. Roy L. Wonder, Chairperson
Hon. Mildred L. Lillie
Hon. Robert K. Puglia
Hon. Ricardo A. Torres
Hon. Robert D. Mackey
Hon. Cerena Wong
Hon. Jane A. York
Hon. Elihu M. Harris
Mr. David M. Heilbron
Mr. Peter J. Hinton
Mr. Don W. Martens
Mr. Len LeTellier[3]

Superior Court Committee[2]
Hon. Richard P. Byrne, Chairperson
Hon. Donald B. King
Hon. Cecily Bond
Hon. Henry Ramsey, Jr.
Hon. Susan P. Finlay
Hon. Robert A. Barclay
Hon. Bill Lockyer
Mr. Kenneth W. Larson
Mr. Howard Hanson[4]

Municipal and Justice Court Committee[2]
Hon. Susan P. Finlay, Chairperson
Hon. Cecily Bond
Hon. Henry Ramsey, Jr.
Hon. Ricardo A. Torres
Hon. Robert D. Mackey
Hon. Cerena Wong
Hon. Robert A. Barclay
Hon. Jane A. York
Hon. Elihu M. Harris
Mr. Peter J. Hinton
Mr. Wayne Low[3]

Advisory Committee on the Administration of Justice in the Rural Counties
Hon. Warren C. Conklin, Chairperson
Hon. Robert A. Barclay, Vice-chairperson
Hon. John E. Buffington
Hon. John J. Golden
Hon. Donald R. Kennedy
Hon. Donna Petre
Hon. Thomas A. Smith
Hon. Anthony W. Ishii
Hon. John L. Loomis
Mr. Toby Dickinson
Ms. Kim Frayer
Mr. Robert Wandruff
Ms. Roberta March
Mr. John P. Sloane
Mr. Dave Richmond
Mr. Louis S. Haffner
Mr. Phil D. Eoff
Mr. Toby Dickinson

Advisory Committee on Change of Venue
Hon. Henry Ramsey, Jr., Chairperson
Hon. Cecily Bond
Hon. Gary T. Friedman
Hon. Daniel M. Hanlon
Hon. Thomas T. Johnson
Hon. Reginald Littrell
Hon. James A. Malkus
Hon. Guy Martin Young
Mr. Alan M. Carlson
Ms. Deborah Kanter
Mr. Frederick A. Schroeder
Mr. Ronald Abernathy

JUDICIAL COUNCIL COMMITTEES
(continued)

Advisory Committee on the Eight-Member Civil Jury Experiment
- Hon. Richard A. Paez, Chairperson
- Hon. Phillip J. Argento
- Hon. Gibson W. Lee
- Hon. Elvira R. Mitchell
- Hon. Thomas A. Peterson
- Mr. Earl S. Bradley
- Ms. Barbara Cristino
- Mr. Anthony C. Filosa
- Mr. James E. Gardner
- Ms. Diane Gray
- Mr. Edward M. Kritzman
- Mr. Allan B. Lott
- Mr. Darold Shirwo

Advisory Committee on Family Court Services
- Hon. Richard M. Silver, Chairperson
- Hon. Isabella H. Grant
- Hon. Thomas Ray Murphy
- Mr. Murray Bloom
- Mr. Alan M. Carlson
- Dr. Mary Duryee
- Mr. Van O. Kinney
- Mr. Hugh McIsaac
- Ms. Heidi Uptegrove
- Mr. Clarence (Buzz) Walters

Advisory Committee on Family Law
- Hon. William P. Hogoboom, Chairperson
- Hon. Rodney Davis
- Hon. Melinda A. Johnson
- Hon. Anthony C. Joseph
- Hon. Billy G. Mills
- Hon. Rex H. Sater
- Hon. Beverly Bloch Savitt
- Hon. James W. Stewart
- Hon. John C. Woolley
- Mr. Robert Schnider
- Ms. Margaret Anderson
- Mr. Irwin Buter
- Mr. Christopher F. Emley
- Ms. Suzanne Harris
- Mr. Hugh McIsaac
- Mr. George O. Nielsen
- Mr. Lee Palmer
- Ms. Diana Richmond

Advisory Committee on Gender Bias in the Courts
- Hon. David M. Rothman, Co-chairperson
- Hon. Diane Watson, Co-chairperson
- Hon. Judith C. Chirlin, Vice-chairperson
- Hon. Elwood Lui
- Hon. Sheila Prell Sonenshine
- Hon. Lisa Hill Fenning
- Hon. Norman L. Epstein
- Hon. Judith McConnell
- Hon. Linda Hodge McLaughlin
- Hon. Sheila F. Pokras
- Hon. Sara K. Radin
- Hon. Fern M. Smith
- Hon. Meredith C. Taylor
- Hon. Jack Tenner
- Hon. Kathryn Doi Todd
- Hon. Judith Donna Ford
- Hon. Alice A. Lytle
- Hon. Frances Munoz
- Hon. Brian L. Rix
- Hon. Elihu M. Harris
- Ms. Linda Broder
- Mr. James J. Brosnahan
- Mr. Kenneth Mark Burr
- Ms. Juana C. Conrad
- Ms. Tamara C. Dahn
- Mr. Rene C. Davidson
- Ms. Marian McClure Johnston
- Prof. Sheila James Kuehl
- Ms. Andrea Sheridan Ordin
- Mr. Herbert M. Rosenthal
- Ms. Marjorie Swartz
- Ms. Patricia Ann Shiu
- Mr. Frank S. Zolin
- Dr. Norma J. Wikler[a]

JUDICIAL COUNCIL COMMITTEES
(continued)

Advisory Committee on Judicial Performance Procedures
- Hon. Richard Schauer, Chairperson
- Hon. Elwood Lui
- Hon. Harmon G. Scoville
- Hon. William P. Hogoboom
- Hon. Thomas Kongsgaard
- Hon. David M. Rothman
- Hon. Susan P. Finlay
- Mr. Dale Hanst

Advisory Committee on Juvenile Court Law
- Hon. Patrick J. Morris, Co-chairperson
- Ms. Pamela A. Mohr, Co-chairperson
- Hon. Paul Boland
- Hon. Dennis Bunting
- Hon. James Garbolino
- Hon. James E. Kleaver
- Hon. William A. Masterson
- Hon. William K. Morgan
- Hon. Sheridan Reed
- Hon. Arnold D. Rosenfield
- Hon. Wilmont Sweeney
- Hon. Kathryn Doi Todd
- Ms. Patricia Bresee
- Ms. Marsena Buck
- Mr. Renaldo Carboni
- Ms. Rita Cregg
- Mr. Mitchell J. Harris
- Mr. Harold La Flamme
- Ms. Shelley McEwan
- Ms. Alice C. Shotton
- Mr. Joseph Spaeth
- Mr. John Stettler

Advisory Committee on Legal Forms[5]
- Hon. Elizabeth N. Kutzner, Chairperson
- Hon. Ken M. Kawaichi
- Hon. Linda Hodge McLaughlin
- Hon. Peggy Fulton Hora
- Hon. Frederick A. Mandabach
- Mr. Paul F. Cohen
- Mr. Troy Harris
- Mr. John S. Higgins
- Mr. Lawrence T. Jackson
- Ms. Marcia Haber Kamine
- Mr. David S. Krueger
- Ms. Lee Lawless
- Mr. David L. Monthie
- Ms. Deanna S. Myhre
- Mr. George O. Nielsen
- Ms. Mary T. Oxendine
- Mr. Lee Palmer
- Mr. Frank Roesch

Advisory Committee on Local Rules
- Hon. Richard H. Breiner, Chairperson
- Hon. Patricia Bamattre-Manoukian
- Hon. Robert K. Byers
- Hon. James P. Darrah
- Hon. H. Ronald Domnitz
- Hon. Richard McMechan
- Hon. Robert H. O'Brien
- Hon. Duke D. Rouse
- Hon. C. Randall Schneider
- Hon. Gary L. Taylor
- Hon. Roger K. Warren
- Ms. Kathryn J. Burke
- Mr. Anthony Ching
- Mr. Robert Harold Fairbank
- Ms. Carol L. Healey
- Ms. Susan Y. Illston
- Mr. William R. Jackson
- Ms. Deborah Kanter
- Mr. William T. Needham
- Mr. Thomas D. Reese
- Ms. Sandra J. Shapiro
- Mr. Arthur Sims
- Mr. Michael Jens F. Smith